Under the Alternative Technologies alternative, waste heat would involve the export of processed steam, instead of the steam being converted to electricity through the use of a steam turbine under the proposed alternative. Export of processed steam would necessitate a nearby steam host. There are no steam hosts currently available near the existing LECEF Phase 1 site; therefore, a steam host would have to be constructed, resulting in additional impacts outside of the existing 34-acre site.

Under the proposed action alternative, we would issue an incidental take permit for the applicant's proposed project, which includes the activities described above and in more detail in the HCP. The proposed action alternative is not expected to result in the permanent loss of habitat for any of the Covered Species. The proposed project is expected to result in indirect effects to 10,306 acres of serpentine grassland. To mitigate these effects, the applicant proposes to permanently protect 40 acres of serpentine grassland on Coyote Ridge, implement a monitoring and management plan for the Covered Species, establish a non-wasting endowment, and purchase Bay Area Air Quality Management District pollution credits.

National Environmental Policy Act

As described in our EAS, we have made the preliminary determination that approval of the proposed plan and issuance of the permit would qualify as a categorical exclusion under NEPA (42 U.S.C. 4321 *et seq.*), as provided by Federal regulations (40 CFR 1500, 5(k), 1507.3(b)(2), 1508.4) and the Department of the Interior Manual (516 DM 2 and 516 DM 8). Our EAS found that the proposed plan qualifies as a "low-effect" habitat conservation plan, as defined by our Habitat Conservation Planning Handbook (November 1996). Determination of low-effect habitat conservation plans is based on the following three criteria: (1) Implementation of the proposed plan would result in minor or negligible effects on federally listed, proposed, and candidate species and their habitats; (2) implementation of the proposed plan would result in minor or negligible effects on other environmental values or resources; and (3) impacts of the plan, considered together with the impacts of other past, present, and reasonably foreseeable similarly situated projects, would not result, over time, in cumulative effects to environmental values or resources that would be considered significant. Based upon the preliminary determinations in the EAS, we do not intend to prepare further NEPA documentation. We will consider public comments when making the final determination on whether to prepare an additional NEPA document on the proposed action.

Public Review

We provide this notice pursuant to section 10(c) of the Act and the NEPA public-involvement regulations (40 CFR 1500.1(b), 1500.2(d), and 1506.6). We will evaluate the permit application, including the plan and comments we receive, to determine whether the application meets the requirements of section 10(a) of the Act. If the requirements are met, we will issue a permit to the applicant for the incidental take of the Bay checkerspot butterfly, coyote ceanothus, Metcalf Canyon jewel-flower, Santa Clara Valley dudleya, and Tiburon paintbrush from the implementation of the Covered Activities described in the plan, or from mitigation conducted as part of this plan. We will make the final permit decision no sooner than 30 days after the date of this notice.

Dated: June 7, 2010.

Susan K. Moore,

Field Supervisor, Sacramento Fish and Wildlife Office, Sacramento, California.

[FR Doc. 2010–14322 Filed 6–14–10; 8:45 am]

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INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–149 (Third Review)]

Barium Chloride From China

Determination

On the basis of the record[1] developed in the subject five-year review, the United States International Trade Commission (Commission) determines, pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)), that revocation of the antidumping duty order on barium chloride from China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

Background

The Commission instituted this review effective July 1, 2009 (74 FR 31757, July 2, 2009) and determined on October 5, 2009 that it would conduct a full review (74 FR 54069, October 21, 2009). Notice of the scheduling of the Commission's review and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on November 30, 2009 (74 FR 62587). Counsel for the domestic interested party filed a request to appear at the hearing or, in the alternative, for consideration of cancellation of the hearing. Counsel indicated a willingness to submit written testimony and responses to any questions by a date to be specified by the Commission in lieu of an actual hearing. No other party filed a request to appear at the hearing. Consequently, the public hearing in connection with the review, scheduled for April 15, 2010, was cancelled (75 FR 20625, April 20, 2010).

The Commission transmitted its determination in this review to the Secretary of Commerce on June 9, 2010. The views of the Commission are contained in USITC Publication 4157 (June 2010), entitled *Barium Chloride from China: Investigation No. 731–TA–149 (Third Review).*

By order of the Commission.

Issued: June 9, 2010.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 2010–14234 Filed 6–14–10; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 332–520]

Pharmaceutical Products and Chemical Intermediates, Fourth Review: Advice Concerning the Addition of Certain Products to the Pharmaceutical Appendix to the HTS

AGENCY: United States International Trade Commission.

ACTION: Institution of investigation and invitation to file written submissions.

SUMMARY: Following receipt of a request dated May 27, 2010 from the United States Trade Representative (USTR) pursuant to section 115 of the Uruguay Round Agreements Act (URAA) (19 U.S.C. 3524) and section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332 (g)), the U.S. International Trade Commission (Commission) instituted investigation No. 332–520, *Pharmaceutical Products and Chemical Intermediates, Fourth Review: Advice Concerning the Addition of Certain*

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

Products to the Pharmaceutical Appendix to the HTS.

DATES:

July 14, 2010: Deadline for filing all written submissions.

September 1, 2010: Transmittal of Commission report to the United States Trade Representative.

ADDRESSES: All Commission offices, including the Commission's hearing rooms, are located in the United States International Trade Commission Building, 500 E Street SW., Washington, DC. All written submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street, SW., Washington, DC 20436. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://www.usitc.gov/secretary/edis.htm*.

FOR FURTHER INFORMATION CONTACT: Information specific to this investigation may be obtained from Philip Stone, Project Leader, Office of Industries (202–205–3424 or *philip.stone@usitc.gov*). For information on the legal aspects of this investigation, contact William Gearhart of the Commission's Office of the General Counsel (202–205–3091 or *william.gearhart@usitc.gov*). The media should contact Margaret O'Laughlin, Office of External Relations (202–205–1819 or *margaret.olaughlin@usitc.gov*). Hearing-impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal at 202–205–1810. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000.

Background: As indicated in the USTR's letter, as part of the Uruguay Round negotiations, the United States and 21 other countries agreed to eliminate duties on certain pharmaceutical products and chemical intermediates used primarily for the production of pharmaceuticals (pharmaceuticals zero-for-zero initiative) and to conduct periodic reviews to identify further products that could be covered by this duty elimination initiative. As a result of multilateral negotiations in the WTO in 1996, 1998, and 2006, the United States and other participants eliminated duties on additional pharmaceutical items. The USTR indicated that participants in the zero-for-zero initiative are conducting a fourth review to determine if products can be added to the initiative. As part of the consultation and layover requirements in section 115 of the URAA relating to an action by the President to eliminate U.S. duties on additional pharmaceutical products and chemical intermediates, the President must obtain advice regarding the proposed action from the U.S. International Trade Commission.

The USTR asked the Commission to provide advice in the form of information on the pharmaceutical products and chemical intermediates proposed for addition to the pharmaceuticals zero-for-zero initiative as follows: (1) A summary description of the products currently covered under the initiative as set out in the Pharmaceutical Appendix to the U.S. Harmonized Tariff Schedule (Appendix) and those proposed to be added to that Appendix; (2) an explanation of the relationship between the various elements in the Appendix and the Harmonized Tariff Schedule of the United States; and (3) an estimate of current U.S. imports and, where possible, current U.S. exports of the products included in the current Pharmaceutical Appendix and the proposed additions to the Appendix, based on product groupings as necessary.

The Commission has posted a list of the proposed additions to the Pharmaceutical Appendix on its Web site at *http://www.usitc.gov/research_and_analysis/ongoing/332_520_request_letter.pdf.* The Commission expects to provide its report to the USTR by September 1, 2010.

Written Submissions: Interested parties are invited to file written submissions concerning this investigation. All written submissions should be addressed to the Secretary, and should be received not later than 5:15 p.m., July 14, 2010. All written submissions must conform with the provisions of section 201.8 of the *Commission's Rules of Practice and Procedure* (19 CFR 201.8). Section 201.8 requires that a signed original (or a copy so designated) and fourteen (14) copies of each document be filed. In the event that confidential treatment of a document is requested, at least four (4) additional copies must be filed, in which the confidential information must be deleted (see the following paragraph for further information regarding confidential business information). The Commission's rules authorize filing submissions with the Secretary by facsimile or electronic means only to the extent permitted by section 201.8 of the rules (see Handbook for Electronic Filing Procedures, *http://www.usitc.gov/secretary/fed_reg_notices/rules/documents/handbook_on_electronic_filing.pdf*). Persons with questions regarding electronic filing should contact the Secretary (202–205–2000).

Any submissions that contain confidential business information must also conform with the requirements of section 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). Section 201.6 of the rules requires that the cover of the document and the individual pages be clearly marked as to whether they are the "confidential" or "non-confidential" version, and that the confidential business information be clearly identified by means of brackets. All written submissions, except for confidential business information, will be made available for inspection by interested parties.

In his request letter, the USTR stated that he intends to make the Commission's report available to the public in its entirety, and asked that the Commission not include any confidential business information or national security classified information in the report that the Commission sends to the USTR. Any confidential business information received by the Commission in this investigation and used in preparing this report will not be published in a manner that would reveal the operations of the firm supplying the information.

By order of the Commission.

Issued: June 9, 2010.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 2010–14236 Filed 6–14–10; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of First Material Modification to a Consent Decree Pursuant to the Clean Air Act

Notice is hereby given that on June 9, 2010, a proposed First Material Modification to the Consent Decree entered in *United States and the State of Kansas* v. *Coffeyville Resources Refining & Marketing, LLC et al.,* 04–cv–01064 (D. Kan. 2004), was lodged with the United States Court for the District of Kansas.

The Consent Decree, entered by the Court on July 13, 2004 (Docket No. 8), required Defendants to install certain air pollution controls to reduce emissions of oxides, sulfur dioxide and particulate matter at their oil refinery located in